

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED

JAN 25 2019

Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

CR 18-26-BU-DWM

Plaintiff,

vs.

ORDER

LEONARDO ADRIAN
COLMENERO HERNANDEZ,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 28, 2018. Neither party objected and therefore the parties are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

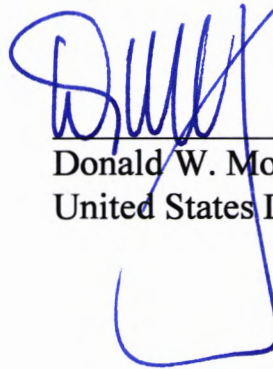
Judge Lynch recommended this Court accept Leonardo Adrian Colmenero

Hernandez's guilty plea after Colmenero Hernandez appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of illegal reentry of deported alien in violation of 8 U.S.C. § 1326(a), as set forth in the Information.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 22), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Leonardo Adrian Colmenero Hernandez's motion to change plea (Doc. 12) is GRANTED, and Colmenero Hernandez is adjudged guilty as charged in the Information.

DATED this 25th day of January, 2019.



Donald W. Molloy, District Judge
United States District Court